

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

CHARLES ANTHONY LOUIE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CIV-15-893-SLP
	)	
HECTOR RIOS et al.,	)	
	)	
Defendants.	)	

**ORDER**

On June 29, 2018, United States Magistrate Judge Charles B. Goodwin<sup>1</sup> issued a Report and Recommendation [Doc. No. 152] in this action brought pursuant to 28 U.S.C. § 1983. Judge Goodwin recommended that Defendants' Second Motion for Summary Judgment [Doc. No. 135] be granted and that Plaintiff's single remaining federal claim be dismissed. Judge Goodwin further recommended that the Court decline to exercise supplemental jurisdiction over any remaining claims by Plaintiff based in state law. Plaintiff filed his Objection [Doc. No. 157] to the Report and Recommendation.

The only argument in Plaintiff's Objection that is not a reiteration of Plaintiff's earlier-asserted arguments is an attempt to distinguish *Hudson v. Palmer*, 468 U.S. 517 (1984), from the instant case because of Plaintiffs' contention that the remaining defendants are not state employees. However, to the extent Plaintiff contends that Defendants were not state actors at the time of the events in question, his due process claim

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<sup>1</sup> Then-Magistrate Judge Goodwin subsequently was confirmed and sworn in as a district judge of this Court.

brought pursuant to 42 U.S.C. § 1983 still fails. *See Davis v. Deutsche Bank Nat’l Trust Co.*, 737 F. App’x 379, 383 (10th Cir. 2018) (unpublished) (“Generally, private parties are not state actors subject to liability under § 1983.”).

As to Plaintiff’s reiterated arguments—i.e., those in both his Objection [Doc. No. 157] and in his earlier briefs submitted to Judge Goodwin—the Court concurs fully with Judge Goodwin’s resolution of Plaintiff’s arguments. Therefore, upon *de novo* review<sup>2</sup> of Defendants’ Second Motion for Summary Judgment [Doc. No. 135], Plaintiff’s Response [Doc. No. 149], Judge Goodwin’s Report and Recommendation [Doc. No. 152], and Plaintiff’s Objection [Doc. No. 157], the Court:

- (1) ADOPTS the Report and Recommendation [Doc. No. 152] issued by Judge Goodwin;
- (2) DENIES Plaintiff’s Objection [Doc. No. 157] to Judge Goodwin’s Report and Recommendation for the reasons stated herein and, as to his previously-asserted arguments, for the reasons stated in Judge Goodwin’s Report and Recommendation [Doc. No. 152];
- (3) GRANTS Defendants’ Second Motion for Summary Judgment [Doc. No. 135];
- (4) DISMISSES Plaintiff’s remaining federal claim against Defendant Hector Rios, Defendant Lakeyah Newson, Defendant FNU Walker, Defendant FNU Thomas-Cruz, Defendant Robert Jones, Defendant FNU Eykamp, Defendant Sheryl

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<sup>2</sup> *See* Fed. R. Civ. P. 72(b)(3) (“The district judge must determine *de novo* any part of the magistrate judge’s disposition that has been properly objected to. . . .”).

Clark, Defendant Debbie Johns, Defendant Lt. Cantwell, Defendant Billy Gibson, and Defendant Brittany Holmstrom WITH PREJUDICE; and

(5) DECLINES to exercise supplemental subject-matter jurisdiction over any claims by Plaintiff based in state law asserted against Defendant Hector Rios, Defendant Lakeyah Newson, Defendant FNU Walker, Defendant FNU Thomas-Cruz, Defendant Robert Jones, Defendant FNU Eykamp, Defendant Sheryl Clark, Defendant Debbie Johns, Defendant Lt. Cantwell, Defendant Billy Gibson, and Defendant Brittany Holmstrom.

A separate judgment will be entered contemporaneous herewith.

IT IS SO ORDERED this 20<sup>th</sup> day of February, 2019.

  
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SCOTT L. PALK  
UNITED STATES DISTRICT JUDGE